THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 17654 of 2007

DATE: 23-08-2007

Between :

Pulipati Leela

… Petitioner

And

District Collector,
Prakasam District,
Ongole and 4 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 17654 of 2007

ORDER:

Petitioner herein was appointed as authorized dealer in respect of the fair price shop of Korrapativaripalem village, Tallur Mandal, Prakasam District vide proceedings of the 3rd respondent dated 26-10-2005. Aggrieved by the same, the 5th respondent herein preferred an appeal, which was allowed by the 2nd respondent herein and the matter was remanded to the Revenue Divisional Officer for verification of the antecedents of the candidates as per para 3 and 12 (xvii) of the Annexure to G.O.Ms.No.53, dated 06-10-2003 and pass appropriate orders. The 2nd respondent was also directed that till then the fair price shop should be attached to any other dealer holding valid authorization. Challenging the said order, the petitioner preferred a revision petition before the 1st respondent-District Collector. The revision petition was dismissed by order dated 17-08-2007 thereby confirming the order passed by the 2nd respondent and directing the Revenue Divisional Officer to reconsider the appointment with reference to the allegations made by the 5th respondent. Hence, this writ petition.

Having heard the learned counsel for both the parties as well as the learned Government Pleader for Civil Supplies and the learned counsel appearing for the 5th respondent, I do not find any justifiable reason to interfere with the order under challenge.

The 2nd respondent as well as the 1st respondent having found

that the 3rd respondent-appointing authority has failed to verify the antecedents of the selected candidate as required under the guidelines, rightly directed the appointing authority to verify the antecedents of the petitioner and then pass fresh orders. Since the appointment of the petitioner herein was set aside, the respondents 1 and 2 were also justified in directing to make alternative arrangements for distribution of the commodities to the cardholders.

However, learned counsel for the petitioner submitted that so far as the month of August, the petitioner has already paid the amounts towards the cost of the essential commodities and the commodities were also released in his favour. If that be so, it is made clear that the respondents shall not interfere with the distribution of the essential commodities to the cardholders by the petitioner for the month of August, 2007 and the appropriate alternative arrangements shall be made for the month of September, 2007 onwards in terms of the order of the respondents 1 and 2. There shall be a further direction to the 3rd respondent-Revenue Divisional Officer to complete the verification of antecedents in terms of the order of the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J.

Date:23-08-2007

Note: Issue C.C. in two days.

B/o

KLP